

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

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|---|--|------------------------------------|
| JEFFREY WHITE AND LILLY WHITE,<br>Plaintiffs                          | :<br>:<br>:<br>:<br>:<br>:<br>:<br>:<br>:<br>: | No. 3:19cv14<br><br>(Judge Munley) |
| v.  |  |                                    |
| TOMASZ TRYBALA and J & J<br>TRUCKING ENTERPRISES, INC.,<br>Defendants |  |                                    |

.....  
**ORDER**

**AND NOW**, to wit, this 15<sup>th</sup> day of May 2019, the defendants' motion to dismiss the plaintiffs' complaint (Doc. 5) is hereby **GRANTED IN PART** and **DENIED IN PART** as follows:

- 1) Count III and Count IV are **DISMISSED** to the extent that those counts allege separate and independent causes of action for outrageous, wanton, reckless, or gross indifference to the safety of the plaintiff;
- 2) The defendants' motion to dismiss the allegations of reckless conduct, recklessness, gross negligence, reckless indifference, wanton conduct, and outrageous conduct is **DENIED**;
- 3) The defendants' motion to dismiss plaintiffs' request for punitive damages is **DENIED**; and
- 4) The plaintiffs are afforded **thirty (30) days** to amend their complaint to clearly plead the remaining claims.

**BY THE COURT:**

s/ James M. Munley  
**JUDGE JAMES M. MUNLEY**  
**United States District Court**